



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

**COMMITTEE ON EXECUTIVE
MATTERS AND LEGAL AFFAIRS**

Voting Members:

Tyler Dos Santos-Tam, Chair
Radiant Cordero, Vice Chair
Esther Kia'āina
Val A. Okimoto
Calvin K.Y. Say
Augie Tulba
Andria Tupola
Tommy Waters
Matt Weyer

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
TUESDAY, SEPTEMBER 12, 2023
1:00 P.M.

PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

VIEWING THE MEETING

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

ORAL TESTIMONY

Oral testimony will be permitted on all items on the agenda. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID **87501497955** and Passcode **026434**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

In-Person Testimony in the Council Chamber

Persons wishing to testify are requested to register by 1:00 p.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

Oral testimony will be allowed when each agenda item is taken up, in the following order:

- 1. In-person testimony in the Council Chamber;**
- 2. Remote testimony.**

WRITTEN TESTIMONY

Written testimony may be uploaded at <https://hnlidoc.ehawaii.gov/hnlidoc/testimony> or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, email address, and phone number, will be available to the public at <https://hnlidoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-9230 or send an email to sherry.arca@honolulu.gov.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlidoc.ehawaii.gov/hnlidoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, contact the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to sherry.arca@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

FOR ACTION

1. **BILL 45 (2023), CD1 – RELATING TO HUMAN RESOURCES.** Addressing powers, duties, and functions of the Director of Human Resources. (Bill passed second reading and public hearing held 9/6/23)

2. **BILL 44 (2023) – RELATING TO FALSE STATEMENTS.** Deterring persons from making or inciting the making of a false statement to a public servant. (Committee amended to CD1 and postponed action on 8/22/23)

CD1 TO BILL 44 (2023) (Approved by the Committee at its August 22, 2023 meeting) – The CD1 (OCS2023-0743/8/16/2023 10:13 AM) makes the following amendments:

- A. Deletes SECTION 2 of the bill and renumbers SECTION 3 of the bill (containing the effective date provision) to SECTION 8.

- B. Adds a new SECTION 2 of the bill that amends ROH § 18-2.1 ("Definitions") by adding new definitions of "City Official" and "False Statement."

- C. Adds a new SECTION 3 of the bill that amends ROH § 18-7.1 ("Generally") to add the following:
 1. "A person may not knowingly make a false statement to a city official during the course of an inspection for or investigation into compliance with this chapter."

 2. "The building official may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this chapter."

- D. Adds a new SECTION 4 of the bill that amends ROH § 18-7.3 ("Criminal prosecution") to except persons violating the provision added by the amendment referred to in C.1 above from criminal prosecution.

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- E. Adds a new SECTION 5 of the bill that adds a new section to ROH Chapter 18, Article 7 ("Violation and Penalty") to provide for the designation of persons with a history of making false statements and instruct the building official to take into consideration whether the party responsible for the violation has a history of making false statements when determining the contents of an order served pursuant to ROH § 18-7.4.
 - F. Adds a new SECTION 6 of the bill that adds a new section to ROH Chapter 18, Article 7 ("Violation and Penalty") to add a severability clause.
 - G. Adds a new SECTION 7 of the bill to add a Ramseyer clause for the Revisor of Ordinances.
 - H. Makes miscellaneous technical and nonsubstantive amendments.
3. **RESOLUTION 23-202 – (FOR CONDEMNATION) ACQUISITION OF EASEMENT FOR PUBLIC USE.** Providing for the acquisition of easements for public use for the rock slide mitigative improvements in the vicinity of Pacific Heights Road Site 070G, located at Kewalo, Pauoa, Honolulu, Oahu, Hawaii, and determining and declaring the necessity of the acquisition by eminent domain. (Transmitted by Communication D-619)
4. **RESOLUTION 23-143 – APPOINTMENT OF MUHTADIA RICE TO SERVE ON THE ETHICS COMMISSION.** Confirming the appointment of Muhtadia Rice to serve on the Ethics Commission of the City and County of Honolulu for a term to expire on December 31, 2026. (Committee postponed action on 8/22/23)
5. **RESOLUTION 23-209 – GENERAL CIVICS PROGRAM AT THE COMMUNITY COLLEGES ON O’AHU.** Urging the Department of Human Resources to work with the University of Hawai’i community colleges system to create a general civics program at the Community Colleges on O’ahu.

EXECUTIVE SESSION

The Committee anticipates convening into Executive Session pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), to consult in a closed meeting with the attorneys for the Council's Executive Matters and Legal Affairs Committee on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities.

6. Request for recommendation to settle a case against the City and County of Honolulu entitled James A. Conant, Jr. Trust v. City & County of Honolulu, et al., Civil No. 1CC181001910 (Cir. Ct.)

7. Request for authorization to settle a claim against the City and County of Honolulu entitled First Insurance as Subrogee for Merrill Gerard v. City and County of Honolulu, Matter ID 22-02187

TYLER DOS SANTOS-TAM, Chair
Committee on Executive Matters
and Legal Affairs